



**Virginia
Regulatory
Town Hall**

Proposed Regulation Agency Background Document

Agency Name:	Department for the Blind and Vision Impaired
VAC Chapter Number:	70
Regulation Title:	Provision of Services in Rehabilitation Teaching
Action Title:	Amend to Eliminate Unnecessary detail and Update Visual Eligibility and Certification of Eligibility
Date:	December 13, 2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The regulation provides both eligibility requirements and services that are provided under the Department's Rehabilitation Teaching Program. The Department is making content changes to eliminate unnecessary detail and bring the regulation up to date in the areas of visual eligibility, certification of eligibility, financial participation guidelines and incorporating the new agency name.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Code of Virginia § 63.1-85(7) (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.1-85>) mandates the Commissioner to promulgate regulations to carry out the provisions of this title. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

This regulation has not been updated since 1990. The Department proposes making content changes to eliminate unnecessary detail and bring it up to date in the areas of visual eligibility and certification of eligibility and financial participation. Since these sections deal with substantive rights and benefits of individuals, they are essential in protecting the health, safety and welfare of citizens.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The sections dealing with Certification of Eligibility determination and Certification of Ineligibility have been combined into one section, Eligibility Determination. This new section clarifies the eligibility process. The Financial Participation section has been rewritten. It addresses the current Department practice of applying a financial needs assessment for rehabilitation teaching services so that consumers who have sufficient resources may contribute toward the cost of their individualized plan of services.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

No alternatives were considered as the Office of the Attorney General found that this regulation is mandated by state law.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

Amending this regulation will have no fiscal impact.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

The Department proposes making content changes to eliminate unnecessary detail and bring it up to date in the areas of visual eligibility, certification of eligibility, financial participation guidelines, and incorporating the new agency name, Department for the Blind and Vision Impaired. Under the section Certification of Eligibility, the requirement that a paper certificate be placed in the case file is eliminated. Details of eligibility determination will now be reflected in a case narrative. Financial participation guidelines were expanded to specify that goods and services will be provided at no cost to the legally blind consumer if the family income is less than 100% of the federally estimated median income for Virginia. Allowable deductions were added to adjust family income. The proposed changes require that the consumer contribute the adjusted amount over median income toward cost of goods or services identified in their plan of services. The proposed changes require that consumers must be both legally blind and demonstrate financial need in order to receive any purchased goods or services other than a low

vision exam. Since these sections deal with substantive rights and benefits of individuals, they are essential in protecting the health, safety and welfare of citizens.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

No alternatives were considered as the Office of the Attorney General found that this regulation is mandated by state law.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

No comments were received during the NOIRA.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The Department for the Blind and Vision Impaired, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The Department for the Blind and Vision Impaired will review the regulation to determine if it should be continued, amended or terminated. A review will be initiated by July 1, 2003 or three years after the effective date of this regulation, whichever is earlier.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Amending this regulation will have no impact on the institution of the family and family stability.